

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Lance Pough,

Plaintiff,

v.

Mike DeWine, et al.,

Defendants.

Case No. 2:21-cv-880

Judge Michael H. Watson

Magistrate Judge Gentry

ORDER


The Magistrate Judge issued a Report and Recommendation (“R&R”) recommending the Court grant in part and deny in part Plaintiff’s motions to strike certain affirmative defenses. R&R, ECF No. 98. Specifically, the R&R recommended denying as moot Plaintiff’s motion as to nine defenses contained in Defendant Rauschenberg’s and Defendant Thalheimer’s Answers, because those Defendants had previously voluntarily withdrawn those defenses. R&R 2, ECF No. 98. The R&R recommended granting Plaintiff’s motion vis-à-vis the remaining at-issue defense in each Answer. *Id.* at 2–5.

The R&R notified the parties of their right to object to the recommendations contained therein and of the consequences of failing to do so. *Id.* at 5–6. The deadline for objections has passed, and Plaintiff filed none. Defendants specifically filed a notice of non-objection. Notice, ECF No. 99.

Accordingly, the R&R is **ADOPTED**. The Court **STRIKES** the affirmative defense of failure to exhaust administrative remedies from Defendant

Rauschenberg's and Defendant Thalheimer's Answers. Plaintiff's motions are **DENIED AS MOOT** in all other respects. The Clerk shall terminate ECF Nos. 66, 72, 73, and 98.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT